

Amendments to the Drawings:

The attached sheet of drawings includes changes to Fig. 1. In Fig. 1, previously omitted elements: Camera 101, Database 103 and connections between the sensors and database 103 have been added.

Attachment: Replacement Sheet

Annotated Sheet Showing Changes

REMARKS**I. SPECIFICATION**

In the specification, the paragraphs starting at page 10, line 28, page 10, line 33, page 11, line 5 and page 11, line 19 have been amended to add reference numbers for the camera and the database claim limitations. The specification was also amended to specify that the readings are from the first and second piezoelectric sensors P1, P2. Under MPEP 2163.06, information contained in any one of the specification, claims or drawings of the application as filed may be added to any other part of the application without introducing new matter. In the specification at page 14, lines 17-19 of the specification, the "readings" are described as being from the first and second piezoelectric sensors. Thus, the information contained in this portion of the specification is being added to another portion of the specification without adding any new matter.

II. DRAWINGS

In the Office Action, the Examiner objected to the drawings because they failed to illustrate every feature of the invention specified in the claims. Figure 1 has been amended to add the camera 101 and the database 103 as well as connections between the piezoelectric sensors to the database 103. As discussed above, the camera, database and connections from the piezoelectric sensors to the database are disclosed in the application as filed. For these reasons, no new matter has been added to FIG. 1. Applicants submit that the amended drawings comply with the requirements of 37 CFR 1.121(d). Applicants request that the objections under 37 CFR 1.83(a) be withdrawn.

III. CLAIMS

Claims 1-25 remain in the application. Claims 1-25 have been amended. No new claims have been added. Claims 1, 6, 11, 17, 23 and 25 include the limitation, "identifying the vehicle from the recorded image of the vehicle." This limitation is supported by the application at page 10, lines 28-32. Claims 1, 6, 11, 17, 23 and 25 also include the limitations, "comparing the determined wheel base measurement to a validated wheel base measurement of the vehicle being sensed" and "identifying a discrepancy between the determined wheel base measurement and the validated wheel base measurement of the vehicle being sensed as potential errors in the speed of the vehicle determined in step (e)" which are supported by the application at page 5, lines 2-5, page 6, line 14-20, page 7, line 30-page 8, line 2, page 9, lines 8-17.

These claim limitations were added so that the pending claims would correspond to the claims of the related European Patent No. EP 1702313 B1. The references cited during the prosecution of European Patent No. EP 1702313 B1 have been submitted in an IDS.

A. Claim Objections

In the Office Action, claims 4, 5, 9, 10, 14, 16, 20, 21, 22 and 24 were objected to because they recite "any one of." Claims 4, 5, 9, 10, 14, 16, 20, 21, 22 and 24 have been amended to remove this phrase.

Dependent claims 3, 8, 13 and 19 were objected to because the relationship between the two independent wheel base measurements and their corresponding independent claims was unclear. Claims 3, 8, 13 and 19 were amended as recommended by the Examiner.

Claims 2, 3, 7, 8, 12, 14 and 18 were objected to for including the notations (a), (b), (c), etc. Applicant has amended claims 2, 3, 7, 8, 12, 14 and 18 to remove these terms.

Claims 2, 4, 7, 9, 12, 15, 18 and 21 were objected to because of insufficient antecedent basis. Claims 2, 4, 7, 9, 12, 15, 18 and 21 were amended to correct the antecedent basis errors. For all of these reasons, Applicants request that the claims objections be withdrawn.

B. Claim Rejections

Claims 1, 2, 3, 11, 12, 13 and 14 were rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 6,075,466 to Cohen et al. ("Cohen"), in view of "A Model of Speed Profiles for Traffic Calmed Roads" by Barbosa et al. ("Barbosa") and U.S. Patent No. 5,020,236 to Kauer et al. ("Kauer"). As discussed above, claims 1 and 11 as amended include the limitations, comparing the determined wheel base measurement to a validated wheel base measurement of the vehicle being sensed; and identifying a discrepancy between the determined wheel base measurement and the validated wheel base measurement of the vehicle being sensed as potential errors in the speed of the vehicle. Although the limitation, "validated wheel base measurement" was not an original limitation of claims 1 and 11, this term was a limitation of claim 6. The application discloses that wheelbase measurements and axle counts may be "validated" using an actual or physical measurement that is not a sensor measurement. More specifically, the application discloses that a validated wheel base measurement can be taken at a time after the measurements or readings have been recorded by sensors for a particular vehicle. (Application, page 11, lines 1-9.) Thus, wheelbase measurements from sensor signals are not "validated" unless they

In the Office Action, the Examiner submits that the validated wheel base measurement is disclosed by U.S. Patent No. 5,617,086 to Klashinsky et al. ("Klashinsky") at Co. 4, lines 60-63. However, this cited portion of Klashinsky discloses that a microcomputer is preprogrammed with site-specific software and data that is specifically related to the location of the sensors and the characteristics of the downgrade. The microcomputer process the signals from the sensor arrays and determines a distance between axles for each vehicle (Klashinsky, Col. 4, lines 60-66.) Because Klashinsky only discloses calculating the distance between axles based upon sensors embedded in the roadway without validating these measurements, Applicants submit that the wheelbase measurement is not a "validated wheel base measurement" as required by claim 1 as amended.

In the Office Action, the Examiner states that Kauer teaches the principle of any discrepancy between the measured wheel base and the validated wheel base is indicative of potential errors in the speed of the vehicle determined by the method for the purposes of determining if a truck is compliant with bridge law at Col. 1, lines 7-14. Applicants respectfully disagree with the Examiner's interpretation of Kauer. The cited portions of Kauer only discloses that methods for measuring the distance between the axles of a vehicle are known and do not disclose or suggest identifying discrepancies between determined and validated wheel base measurements. (Kauer, Col. 1, lines 7-30.) Applicants submit that Kauer only discloses sensor based wheel base measurements and therefore does not disclose a validated wheel base measurement. Thus, Kauer does not disclose comparing the determined wheel base measurement to a validated wheel base measurement.

For all of these reasons, the combination of references cited by the examiner do not disclose the claim limitations, comparing the determined wheel base measurement to a

validated wheel base measurement of the vehicle being sensed; or identifying a discrepancy between the determined wheel base measurement and the validated wheel base measurement of the vehicle being sensed as potential errors in the speed of the vehicle. Thus, claims 1 and 11 would not have been obvious under 35 U.S.C. 103(a) over Cohen in view of Barbosa, and Kauer (and Klashinsky). Claims 2 and 3 depend from claim 1 and claims 12-14 depend from claim 11. For these same reasons, claims 2, 3 and 12-14 would not have been obvious under 35 U.S.C. 103(a) over Cohen in view of Barbosa, and Kauer (and Klashinsky).

Claims 4 and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen in view of Barbosa, Kauer and U.S. Patent Publication No. 2002/0000921 to Hutchinson ("Hutchinson"). Claim 4 depends from claim 1 and claim 15 depends from claim 11. The deficiencies in Cohen, Barbosa and Kauer are not cured by Hutchinson and for the same reasons discussed above with regard to claims 1 and 11, claims 4 and 15 would not have been obvious under 35 U.S.C. 103(a) over Cohen in view of Barbosa, Kauer and Hutchinson.

Claims 5 and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen in view of Barbosa, Kauer and U.S. Patent No. 5,455,768 to Johnson ("Johnson"). Claim 5 depends from claim 1 and claim 16 depends from claim 11. The deficiencies in Cohen, Barbosa and Kauer are not cured by Johnson and for the same reasons discussed above with regard to claims 1 and 11, claims 4 and 15 would not have been obvious under 35 U.S.C. 103(a) over Cohen in view of Barbosa, Kauer and Johnson.

Claims 6, 7, 8, 17, 18, 19 and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen in view of Barbosa, Klashinsky and Kauer. Like claim 1, claims 6 and 17 include the limitations, comparing the determined wheel base measurement to a

validated wheel base measurement of the vehicle being sensed; and identifying a discrepancy between the determined wheel base measurement and the validated wheel base measurement of the vehicle being sensed as potential errors in the speed of the vehicle. As discussed, the cited references do not disclose a "validated wheel base measurement." For the same reasons discussed above with regard to claim 1, claims 6 and 17 would not have been obvious under 35 U.S.C. 103(a) over Cohen in view of Barbosa, Klashinsky and Kauer. Claims 7 and 8 depend from claim 6 and claims 18-20 depend from claim 17. For these same reasons, claims 7, 8 and 18-20 would not have been obvious under 35 U.S.C. 103(a) over Cohen in view of Barbosa, Klashinsky and Kauer.

Claims 9 and 21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen in view of Barbosa, Klashinsky, Kauer and Hutchinson. Claim 9 depends from claim 7 and claim 21 depends from claim 17. The deficiencies in Cohen, Barbosa, Klashinsky and Kauer are not cured by Hutchinson. For the same reasons discussed above with regard to claims 7 and 17, claims 9 and 21 would not have been obvious under 35 U.S.C. 103(a) over Cohen in view of Barbosa, Klashinsky, Kauer and Hutchinson.

Claims 10 and 22 were rejected under 35 U.S.C. 103(a) over Cohen in view of Barbosa, Klashinsky, Kauer and Johnson. Claim 10 depends from claim 7 and claim 22 depends from claim 17. The deficiencies in Cohen, Barbosa, Klashinsky and Kauer are not cured by Johnson. For the same reasons discussed above with regard to claims 7 and 17, claims 9 and 21 would not have been obvious under 35 U.S.C. 103(a) over Cohen in view of Barbosa, Klashinsky, Kauer and Johnson.

Claims 23 and 24 were rejected under 35 U.S.C. 103(a) over Cohen in view of Barbosa, Klashinsky, Kauer and U.S. Patent Publication No. 2003/0011492 to Owen

("Owen"). Claim 23 was amended to include the limitations, means for comparing the determined wheel base measurement to a validated wheel base measurement of the vehicle being sensed; and means for identifying a discrepancy between the determined wheel base measurement and the validated wheel base measurement of the vehicle being sensed as potential errors in the speed of the vehicle. As discussed above with regard to claim 1, these limitations are not disclosed by Cohen in view of Barbosa, Klashinsky, or Kauer. These deficiencies are not cured by Owen. For the same reasons discussed above with regard to claim 1, claims 23 and 24 would not have been obvious under 35 U.S.C. 103(a) over Cohen in view of Barbosa, Klashinsky, Kauer and Owen.

Claim 25 was rejected under 35 U.S.C. 103(a) over Cohen in view of Barbosa, Klashinsky, U.S. Patent no. 5,617,086 to Harvey ("Harvey") and Kauer. Claim 25 is independent and was amended to include the limitations, comparing the determined wheel base measurement to a validated wheel base measurement of the vehicle being sensed; and identifying a discrepancy between the determined wheel base measurement and the validated wheel base measurement of the vehicle being sensed as potential error trends and enable system calibration. As discussed above with regard to claim 1, validated wheel base measurement limitations are not disclosed by Cohen in view of Barbosa, Klashinsky, or Kauer. These deficiencies are not cured by Harvey. For the same reasons discussed above with regard to claim 1, claim 25 would not have been obvious under 35 U.S.C. 103(a) over Cohen in view of Barbosa, Klashinsky, Harvey and Kauer.

II. CONCLUSION

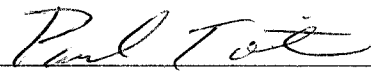
Applicants respectfully request that the above described amendments be made part of the official record in the present application, and respectfully submit that support for the claim amendments is present in the specification, claims, and drawings as originally filed, and that no new matter has been added. The applicant requests a timely Notice of Allowance be issued for claims 1-25 of this case.

If there are any shortages, the Examiner is authorized to charge our Deposit Account Number 04-0822.

Respectfully submitted,

DERGOSITS & NOAH LLP

Dated: October 14, 2011

By: 
Paul K. Tomita
Registration No. 43,196

Dergosits & Noah LLP
Three Embarcadero Center, Suite 410
San Francisco, CA 94111
(415) 705-6377 (telephone)
(415) 705-6383 (facsimile)